



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

NOV 9 2000

400 Seventh St., S.W.
Washington, D.C. 20590

Mr. Andy Altemos
1850 K Street, N.W.
Suite 200
Washington, D.C. 20006-3500

Ref No. 00-0287

Dear Mr. Altemos:

This is in response to your October 6, 2000 letter regarding the materials of trade (MOTs) exception as it applies to the transport of certain hazardous materials by motor vehicle in support of aircraft maintenance operations, under the Hazardous Materials Regulations (HMR; 49 CFR Parts 171-180). You provided the following scenario and asked whether your understanding is correct that the MOTs exception would apply in the scenario described below:

An airline uses motor vehicles to transport hazardous materials in support of aircraft maintenance operations. The airline would operate these vehicles as a private motor carrier in direct support of a principal business that is other than transportation by motor vehicle. Hazardous materials transported over public highways in connection with an airline's aircraft maintenance operations include, but are not be limited to, the movement of:

- 1) Materials from one warehouse to another warehouse;
- 2) Materials from a maintenance facility or warehouse to an airport where maintenance operations are performed on an aircraft; and
- 3) Samples to or from a laboratory for analysis.

One criterion for using the material of trade exception, as defined in § 171.8, is that a hazardous material be transported by a private carrier in direct support of its principal business, which may not be transportation by motor vehicle. Based on the scenario presented and provided all conditions of § 173.6 are met, an airline performing private carriage by highway may transport hazardous materials under the MOTs exception.

I hope this satisfies your inquiry.

Sincerely,

Delmer F. Billings
Chief, Standards Development
Office of Hazardous Materials Standards



00-0287

173.6

HMT ASSOCIATES, L.L.C.

1850 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006-3500

(202) 463-3511

FACSIMILE (202) 463-3512

§ 173.6 (MOT)
Materials of Trade

E.A. ALTEMOS
PATRICIA A. QUINN
GORDON ROUSSEAU

WRITER'S DIRECT DIAL NUMBER

(202) 463-3511, Ext. 11

October 6, 2000

Mr. Edward T. Mazzullo
Director, Office of Hazardous
Materials Standards (DHM-10)
Research and Special Programs
Administration
Department of Transportation
Washington, D.C. 20590-0001

Dear Mr. Mazzullo:

This is to request confirmation that the transport of certain hazardous materials under the circumstances described herein qualifies for, and may be conducted under, the Material of Trade (MOT) exceptions provided in the Hazardous Materials Regulations ("the HMR"; 49 CFR Parts 171-180), provided all applicable requirements of § 173.6 are met.

An airline uses motor vehicles to transport hazardous materials in support of aircraft maintenance operations. In this connection, the airline is operating these vehicles, and transporting the hazardous materials concerned as "a private motor carrier...in direct support of a principle business that is other than transportation by motor vehicle" (see (3) in definition of "Material of trade" in § 171.8 of the HMR).¹ Examples of occasions in which hazardous materials would be transported over public highways in connection with the airline's aircraft maintenance operations include, but are not be limited to, the movement of:

- 1) Materials from one warehouse to another warehouse;

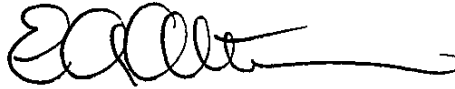
¹ Since the airline does not use any of its motor vehicles to transport customers' cargo, and, therefore, is not in the business of for hire "transportation by motor vehicle", the hazardous materials transported in connection with its aircraft maintenance operations would appear to qualify for transport under the provisions applicable to materials of trade as provided in § 173.6.

Mr. Edward T. Mazzullo
October 6, 2000
Page 2

- 2) Materials from a maintenance facility or warehouse to an airport at which maintenance operations are to be performed on an aircraft; and
- 3) Samples to or from a laboratory for analysis.

Please confirm that my understanding is correct that the MOT exceptions would apply in the circumstances described above. Your early reply would be most appreciated. Thank you for your consideration, and please do not hesitate to contact me if you have questions concerning this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'E. A. Altemos', with a long horizontal flourish extending to the right.

E. A. Altemos